

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 22-26 are pending in the application, Claims 1-21 having previously been withdrawn from consideration. Claim 22 is amended by the present amendment. Support for amended independent Claim 22 can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Official Action, Claim 22 is rejected under 35 U.S.C. § 102(b) as anticipated by Okazaki (JP 63-268160); Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Okazaki in view of Hidetoshi (JP 01-204228); and Claims 25-26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Okazaki in view of Hidetoshi further in view of Background Art.

In response to the above-noted rejections, Applicants respectfully submit that amended independent Claim 22 recites novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 22 relates to an adjusting device for an optical pickup. The device includes a rotating and driving mechanism configured to rotate and drive an optical disc and adjust an optical pickup. The device further includes a first signal recording part that is irradiated with the first laser beam from one surface side, and a second signal recording part that is irradiated with the laser beam from the other surface side. Amended independent Claim 22 further recites, in part, an adjusting device for an optical pickup, comprising:

... an adjusting mechanism part configured to apply the first laser beam and second laser beam to the signal recording part of the respective opposed side of the first and second recording parts of the optical disc from at least one of first and second optical pickups respectively disposed to be opposed to the surface of the optical disc, and detecting a reflected light

¹ e.g., specification, Figs. 7 and 11.

from the opposed signal recording parts to *adjust at least one of an optical axis and an optical path from the light emitting point of the laser beam to the adjusting disc of the at least one of the first and second optical pickups.*

In addressing the “adjusting mechanism part” feature recited in amended independent Claim 22, the Official Action cites Fig. 2 (elements 50 and 52-54) and pp. 11-13 of Okazaki. This cited portion of Okazaki describes that the focus tracking control circuit (53) is activated by a control signal, and detection signals (69, 70) are inputted into a detection signal processing circuit (54) and then partially inputted as focus tracking error signals (71, 72) to the tracking control circuit (53). As noted in the Official Action, Okazaki further describes that the first and second optical heads (20, 30) are controlled based on a traditionally known focus tracking control procedures in such a way that the beam spot (22) on the optical head (20) will become optimally irradiated onto the optical disc.

Thus, Okazaki describes a common focus servo system for correcting (focusing) the position between the lens (21, 31) and the optical disc (1). Okazaki, however, fails to teach or suggest “*adjusting at least one of an optical axis and an optical path from the light emitting point of the laser beam to the adjusting disc of the at least one of the first and second optical pickups,*” as recited in amended independent Claim 22.

As shown at Figs. 7 and 11, for example, of the present specification, one of an optical path or optical axis is adjusted from the light emitting point of the laser beam (12a, 12b) to the adjusting disc (1). As noted at pp. 35-37, for example, this optical path or optical axis adjustment may be a skew or tilt adjustment so as to alter the path of emitted beam between *the light emitting point of the laser beam to the adjusting disc.*

In contrast, Okazaki simply describes adjusting the position between the lens (21, 31) and the optical disc (1), but fails to teach or suggest adjusting an optical path or optical axis of an emitted beam between the light emitting point and the disc. Therefore, Okazaki fails to teach or suggest “*adjusting at least one of an optical axis and an optical path from the light*

emitting point of the laser beam to the adjusting disc of the at least one of the first and second optical pickups,” as recited in amended independent Claim 22.

Further, Hidetoshi, the secondary reference, describes an adjustment between a detector (5) and a laser (6) by physically moving a holder corresponding to the laser, then performing additional adjustments. Thus, Hidetoshi does not “apply the first laser beam and second laser beam... detect a reflected light“ and “adjust at least one of an optical axis and an optical path from the light emitting point of the laser beam to the adjusting disc of the at least one of the first and second optical pickups,” as recited in amended independent Claim 22. In contrast, Hidetoshi fails to teach any adjustment of the optical pickup based on an applied then detected beam, whatsoever.

Therefore, Okazaki and/or Hidetoshi, neither alone, nor in combination, teach or suggest the above noted features recited in amended independent Claim 22. Accordingly, Applicants respectfully request that the rejection of Claim 22 under 35 U.S.C. § 102 be withdrawn.

Claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Okazaki in view of Hidetoshi; and Claims 25-26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Okazaki in view of Hidetoshi further in view of Background Art.

As discussed above, Okazaki, neither alone, nor in combination with Hidetoshi teach or suggest the above differentiated features recited in amended independent Claim 22. Likewise, the Background Art fails to remedy this deficiency, and therefore, none of the applied references, either alone or in combination, teach or suggest the features recited in dependent Claims 23-26, which include the above distinguished features by virtue of dependency.

Further, it is noted that MPEP §706.02 II is relevant to rejections based on English Abstracts and/or the underlying foreign language document. This MPEP section makes it

clear that if the Examiner is relying on both the English Abstract and the underlying Japanese document (JP 01-204228), a translation of this document is to be obtained and supplied prior to implementing a final Action. As the present Action includes no translation of the underlying document, the outstanding Office Action must be relying on the English Abstract alone. However, MPEP §706.02 II makes it clear that such reliance is “inappropriate where both the abstract and the underlying document are prior art.”

Accordingly, Applicants respectfully request that the rejections of Claims 23-26 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 22-26 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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